

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Renata Maria Anna CAVALIERE ved.
VESELY ET AL

GROUP ART UNIT: 1651

SERIAL NO: 09/525,940

EXAMINER: AFREMOVA

FILED: March 15, 2000

FOR: ENTERAL DIETARY COMPOSITIONS COMPRISING STREPTOCOCCUS
THERMOPHILUS AND BIFIDOBACTERIUM LONGUM

TERMINAL DISCLAIMER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows: Renata Maria Anna CAVALIERE ved. VESELY and Claudio DE SIMONE

are the owners of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application.

Renata Maria Anna CAVALIERE ved. VESELY and Claudio DE SIMONE hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,077,504, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,077,504, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Renata Maria Anna CAVALIERE ved. VESELY and Claudio DE SIMONE do not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,077,504 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

2/20/01

Date Signed

Richard L. Treanor, Ph.D.
Registration No. 36,379